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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,428	07/02/2003	Andreas Girsengroh	FXPL-01065US0	6562
23910	7590	01/28/2008	EXAMINER	
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			ZHAO, DAQUAN	
			ART UNIT	PAPER NUMBER
			2621	
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			01/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/612,428	GIRGENSOHN ET AL.
	Examiner	Art Unit
	Daquan Zhao	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 December 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 6-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 and 6-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/5/2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4,6-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. Claims 1-4 and 6-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. For claims 1, 19 and 20, there's no support for "full motion video" in the specification.

5. for claim 20, there's no support for "a machine readable medium".

6. Claims 2-4, and 6-18 are also affected.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because it directed to non-statutory subject matter.

“machine readable medium” can be broadly interpreted as air or paper, which is non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 4, 6, 7, 8, 9, 12, 13, 14, 15, 18, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 7,181,757) and further in view of Bhagavath et al (US 6,829,781 B1).

**In regards to claim 1, Kim et al teach a method for automatically generating a multi-level video summary, comprising:**

Automatically dividing a video file into video segments using segmenting criteria (e.g. column 6, lines 27-50 and figure 1, the event detecting part 102 detecting the event interval base on the event such as camera motion);

Automatically generating at least two summary levels, wherein each of the summary levels has a different level of detail for related video segments, the video segments in each of the summary levels selected using selection criteria (e.g. column 10, lines 44-53, and column 7, lines 17-22, the types of summary events) and

Automatically generating navigational links between the video segments in the summary levels, the navigational links connecting the video segments containing related material (e.g. column 11, lines 40-48 and figure 4, the representative frame links the level 0 and level 1 to let user plays back the video from one level to another level).

However, Kim et al fails to teach each of the summary levels is a linear full motion video includes at least one of the video segments from the video file. Bhagavath et al teach each of the summary levels is a linear full motion video includes at least one of the video segments from the video file (e.g. column 2, lines 1-11). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Bhagavath et al into the teach of Kim et al to increase the speed of video browsing since Bhagavath et al suggest, in column 2, lines 10-20, delimiting the beginning and ending of segments in both programming and summary channels.

Claim 19 is rejected for the same reasons as discussed in claim 1 above.

Claim 20 is rejected for the same reasons as discussed in claim 1 above, wherein column 4, lines 15-18 of Kim et al teach a machine readable medium.

For claim 2, Kim et al teach automatically determining the length of each summary level (e.g. column 7, lines 23-26).

For claim 4, Kim et al teach providing a user interface whereby a user can view the multi-level video summary, the user interface allowing the user to navigate between summary level using the navigational links (figure 3, column 9, lines 59-67, and column 11, lines 41-48).

For claim 6, Kim et al teach automatically determining the number of summary levels to generate (e.g. column 10, lines 44-53, the embodiment generated two summary levels).

For claim 7, Kim et al teach automatically determining which navigational links to generate (e.g. column 10, lines 7-24, representative frame for the video summary level).

For claim 8, providing at least one algorithm to be used in generating a multi-level video summary (e.g. column 4, lines 15-18).

For claim 9, Kim et al teach the selection criteria includes criteria selected from the group consisting of goodness, smoothness of camera operation, amount of camera motion, location in the video and lighting level (e.g. column 6, lines 32-34, camera motion).

For claim 12, Bhagavath et al teach the selection of video segments includes video segments distributed throughout the video file (e.g. column 4, lines 26-37 and figure 5, summary segment 505 corresponds to program segment 515, 506 corresponds to 516, and 507 corresponds to 517 throughout the original video program).

For claims 13 and 15, Bhagavath et al teach each navigational link includes a source anchor in one summary level, a destination anchor in another summary level,

and at least one return behavior (e.g. column 4, lines 26-35, figure 5, summary segment 505 is considered to be the source anchor, and program segment 515 is considered to be the destination anchor in a different level, return to the next summary segment 506 automatically when the program segment 515 is completed).

For claim 14, Bhagavath et al teach each navigational link further includes a label (e.g. column 3, lines 10-20, summary-segment linkage marks).

For claim 18, Bhagavath et al teach the return behavior includes a return position selected from the group consisting of the beginning of a video segment, the point in a video segment at which a navigational link is followed, and the end of a video segment (e.g. column 4, lines 26-37, returning to the beginning of the next summary segment 506 after the operation of the previous segment 505 is done).

2. Claims 3, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 7,181,757) and Bhagavath et al (US 6,829,781 B1), as applied to claims 1, 2, 4, 6, 7, 8, 9, 12, 13, 14, 15, 18, 19, and 20 above, and further in view of Jun (US 6,931, 594 B1).

See the teaching of Kim et al and Bhagavath et al above.

**In regards to claim 3,** Kim et al and Bhagavath et al fail to teach grouping video segments in a summary level into a video composite, the video composite including at least two video segments in the summary level. Jun teaches grouping video segments in a summary level into a video composite, the video composite including at least two video segments in the summary level (e.g. column 3, lines 18-60, the start and end

frames corresponds to tow segments). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Jun into the teaching of Kim e tal and Bhagavath et al to accurately select a desired position or range of multimedia stream for the video summary (Jun, column 2, lines 41-45).

**Regarding claim 10**, Jun teach providing the ability for an author to refine an automatically-generated multi-level video summary (user adds more levels to the summary).

**Regarding claim 11**, Jun teach including the first and last video segment from the video file in the summary levels (user include the first and the last frame of the video file).

3. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 7,181,757) and Bhagavath et al (US 6,829,781 B1), as applied to claims 1, 2, 4, 6, 7, 8, 9, 12, 13, 14, 15, 18, 19, and 20 above, and further in view of Li et al (US 7,035,435 B2).

See the teaching of Kim et al and Bhagavath et al above.

For claim 16, Kim et al and Bhagavath et al fail to teach the video segments in each summary level are in chronological order as the video segments appear in the video file. Li et al teach the video segments in each summary level are in chronological order as the video segments appear in the video file (e.g. figure 1a, the video sequence 20 is summarized by hierarchical, scene-shot-frame structure shown in figure 1a, wherein, scenes are number in a chronological order as 1, 2, 3...N, and the shorts are

number in a chronological order as 1,2,3...M). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Li et al into the teaching of Kim et al and Bhagavath et al to easily identify a frame that represents the characteristic of the segment the most.

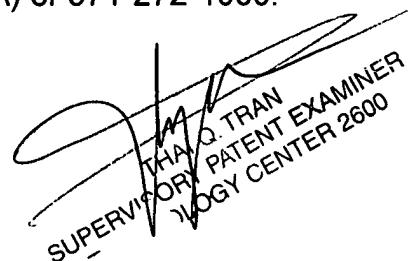
For claim 17, Li et al teach each summary level includes a different number of video segments (e.g. figure 1a, the number of shorts are more than the number of scenes when going down the tree because each scene links to m number of shots).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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